

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED

JUL 21 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of the Commission's Rules) WT Docket No. 97-82
Regarding Installment Payment Financing)
For Personal Communications Services)
(PCS) Licenses)

MOTION TO ACCEPT LATE-FILED SUPPLEMENTAL COMMENTS

The Personal Communications Industry Association (PCIA)¹ hereby requests that the Commission accept the attached supplemental comments in response to issues raised in the *Further Notice of Proposed Rulemaking (Further Notice)* in the above-captioned proceeding.² Although the Commission directed interested parties to file comments in this proceeding no later than June 30, 2000, and to make *ex parte* presentations on issues raised in the *Further Notice* no later than July 17, 2000,³ and PCIA took advantage of these opportunities,⁴ the relevant information contained in the attached supplemental comments did not become public until July 19, 2000.

¹ PCIA is an international communications association dedicated to advancing seamless global wireless communications through its public policy efforts, marketing programs, international events and educational programs. PCIA members envelop a broad base of business sectors in wireless voice and data.

² See Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, WT Docket No. 97-82, *Further Notice of Proposed Rulemaking*, FCC 00-197 (rel. June 7, 2000).

³ See *Public Notice*, Deadline for Final *Ex Parte* and Other Presentations Responding to Issues Raised in Further Notice of Proposed Rulemaking in WT Docket No. 97-82 Extended to July 17, 2000, DA 00-1531 (rel. July 7, 2000).

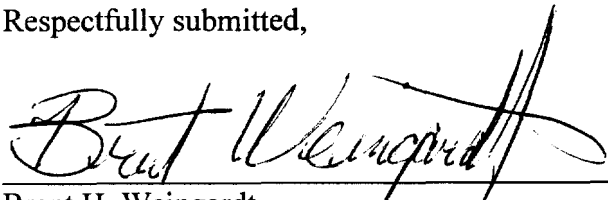
⁴ See Comments of the Personal Communications Industry Association (June 22, 2000); see also Reply Comments of the Personal Communications Industry Association, Polycell Communications, Inc., and CFW Communications (June 30, 2000); *Ex Parte Letters*, Todd B. Lantor to Magalie Roman Salas, Secretary, Federal Communications Commission (July 6, 11, 13, and 17, 2000).

No. of Copies rec'd 014
List A B C D E

PCIA believes that the attached information is pertinent to this proceeding because it directly contradicts the cited spectrum needs of Nextel Communications, Inc., and refutes similar spectrum requirement claims by carriers like SBC Communications, Inc., U.S. West Wireless LLC, AT&T, Bell Atlantic, and GTE.⁵

Therefore, PCIA requests that its supplemental comments be accepted for filing outside of the established comment deadlines. PCIA will serve all parties filing formally in this proceeding with a copy of this Motion and PCIA's Supplemental Comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brent H. Weingardt", is written over a horizontal line.

Brent H. Weingardt
Vice President - Government Relations
Personal Communications Industry Association
500 Montgomery Street
Suite 700
Alexandria, VA 22314
(703) 739-0300

July 21, 2000

⁵ See e.g., Petition of SBC Communications, Inc. for a Waiver of Section 24.709 and for Expedited Action at 6-10 (Jan. 21, 2000); see also Nextel Communications, Inc., Petition for Expedited Rulemaking or, in the Alternative, Waiver of the Commission's Rules at 8-10 (Jan. 31, 2000).

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of the Commission's Rules)	WT Docket No. 97-82
Regarding Installment Payment Financing)	
For Personal Communications Services)	
(PCS) Licenses)	

**SUPPLEMENTAL COMMENTS OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

In light of representations by Nextel Communications, Inc. concerning its need for more spectrum,¹ PCIA wishes to bring to the attention of the Federal Communications Commission recent statements made by an executive of Nextel Communications, Inc., concerning its spectrum needs and scheduled implementation of third-generation technology. In the Wednesday, July 19, 2000, edition of The Washington Post, an article appears discussing Nextel's second quarter 2000 earnings. The article indicates that Nextel, while one of the fastest growing carriers in the U.S., has less spectrum than any of the other coast-to-coast wireless carriers. Nevertheless, Nextel Treasurer John Brittain notes that Nextel is not in any way spectrum-constrained and that Nextel's, and the wireless industry's, introduction of advanced services is many years in the future:

For now, though, [Nextel] has enough spectrum to serve nearly five times its current customer base... The wireless industry will begin implementing "third-generation" technology in 2003 or 2004 at the earliest.²

¹ See e.g., Nextel Communications, Inc., Petition for Expedited Rulemaking or, in the Alternative, Waiver of the Commission's Rules at 8-10 (Jan. 31, 2000) ; *see also* Comments of Nextel Communications, Inc. (June 22, 2000); Reply Comments of Nextel Communications, Inc. (June 30, 2000).

² Comments of Nextel Treasurer John Brittain, as reported by Sarah Schafer, Nextel's Loss Narrows, Subscriber List Grows, WASH. POST, July 19, 2000, at E1-E2.

Such information seems to contradict recent suggestions by Nextel, and other large wireless carriers like SBC Communications, Inc., U.S. West Wireless LLC, AT&T, Bell Atlantic, and GTE,³ concerning their imminent need for more spectrum. The fact that Nextel is not even close to exhausting its current spectrum allocation, yet "continues to add record numbers of highly lucrative new customers" to its network and "beat most second-quarter [2000 new subscriber] projections" suggests that the bleak picture painted by these carriers overstates the immediate and pressing need for additional spectrum.⁴ While PCIA does not disagree with the long-term need of the industry for additional spectrum, nothing in the record to date justifies returning to the C and F block to satisfy the alleged needs of the largest carriers at the expense of new entrepreneurs.

PCIA recognizes that these comments are being filed outside of the designated comment period in this proceeding. However, this filing is consistent with the Commission's longstanding desire to have a complete and accurate record before it as it considers policy options. Moreover, this information came to light after the close of the formal comment period.

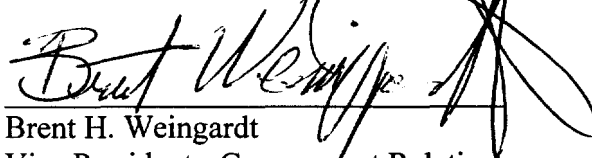
³ See e.g., Petition of SBC Communications, Inc. for a Waiver of Section 24.709 and for Expedited Action at 6-10 (Jan. 21, 2000).

⁴ Nextel's Loss Narrows, Subscriber List Grows, WASH. POST, July 19, 2000, at E1-E2.

PCIA will serve all parties filing formally in this proceeding with a copy PCIA's Motion to Accept Late-Filed Supplemental Comments and PCIA's Supplemental Comments.

Respectfully submitted,

PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION

A handwritten signature in black ink, appearing to read "Brent Weingardt", is written over a horizontal line. To the right of the signature is a large, stylized, circular flourish or scribble.

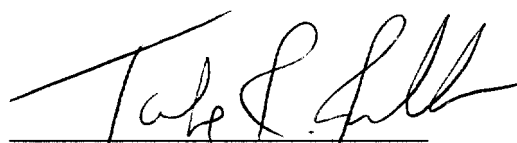
Brent H. Weingardt
Vice President - Government Relations
500 Montgomery Street
Suite 700
Alexandria, VA 22314
(703) 739-0300

July 21, 2000

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of July, 2000, served a copy of the foregoing Supplemental Comments of the Personal Communications Industry Association by United States Mail, first class, postage prepaid, on the persons listed below, unless otherwise indicated by an asterisk, which signifies the foregoing was hand-delivered.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taube R. Pecullan', written over a horizontal line.

Taube R. Pecullan

*Magalie Roman Salas, Esquire
Office of the Secretary
Federal Communications Commission
Room TW-A325
445 12th Street, S.W.
Washington, DC 20554

Douglas I. Brandon
Vice President--External Affairs
AT & T Wireless Services, Inc.
1150 Connecticut Avenue, NW
Washington, DC 20036

*Audrey Bashkin
Auctions & Industry Analysis Division
Wireless Telecommunications Bureau
Federal Communications Commission
Room 4A-664
445 12th Street, S.W.
Washington, DC 20554

Brian T. O'Connor, Esquire
Robert A. Calaff, Esquire
Voicestream Wireless Corporation
1300 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004

Robert S. Foosaner
Lawrence R. Krevor
Laura L. Hollaway
Nextel Communications, Inc.
2001 Edmund Haley Drive
Reston, VA 20191

Jill Dorsey
Powertel, Inc.
133 O.G. Skinner Drive
West Point, GA 31833

Leonard J. Kennedy
Laura H. Phillips
Christina H. Burrow
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, NW, Suite 800
Washington, DC 20036

ITS
1231 20th Street, N.W.
Washington, DC 20036

John T. Scott III
Vice President & Deputy General Counsel Regulatory Law
Verizon Wireless
1001 Pennsylvania Avenue, N.W.
Tenth Floor
Washington, DC 20004

Howard J. Symons
Sara F. Seidman
Ghita Harris-Newton
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo
701 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004

Mark R. Erickson
Operations Manager
Polycell Communications, Inc.
27W 281 Geneva Road, Suite #K-2
Winfield, IL 60190

James D. Ellis
Wayne Watts
Carol L. Tacker
SBC Communications Inc.
175 East Houston
San Antonio, TX 78205

David Gusky
Executive Vice President
The Association of Communications Enterprises
1401 K. Street, N.W., Suite 600
Washington, DC 20006

Lolita D. Smith
Michael F. Altschul
Randall S. Coleman
Cellular Telecommunications Industry Association
1250 Connecticut Avenue, NW, Suite 800
Washington, DC 20036

Phillip L. Spector
Jeffrey H. Olson
Douglas C. Melcher
Paul, Weiss, Rifkind, Wharton & Garrison
1615 L. Street NW, Suite 1300
Washington, DC 20036

J. Jeffrey Craven
Janet Fitzpatrick Moran
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037

Joseph W. Forbes, Jr.
America Connect, Inc.
13000 Deerfield Parkway
Alpharetta, GA 30004

Michael K. Kurtis
Lisa L. Leibow
Kurtis & Associates
2000 M Street, NW
Suite 600
Washington, DC 20036

Todd Slamowitz
Thomas Gutierrez
Lucas, Nace, Gutierrez & Sachs
111 19th Street NW, Suite 1200
Washington, DC 20036

Phillip L. Verveer
David M. Don
Wilkie, Farr & Gallagher
Three Lafayette Center
1155 21st Street, NW
Washington, DC 20036

Cheryl A. Tritt
Phuong N. Pham
David Munson
Morrison & Foerster
2000 Pennsylvania Avenue, NW, Suite 5500
Washington, DC 20006

Sylvia Lesse
Tamber Ray
Kraskin, Lesse & Cosson
2120 L Street, NW, Suite 520
Washington, DC 20037

Ronald L. Ripley
Senior Corporate Counsel
Dobson Communications Corp.
13439 N. Broadway Extension, Suite 200
Oklahoma City, OK 73114

Simon Cavenett
Chief Technology Officer
BlueSky Communications
6120 Windward Parkway, Suite 200
Alpharetta, GA 30005

Paul J. Feldman
Fletcher, Heald & Hildreth
1300 N. 17th Street, 11th Floor
Arlington, VA 22209

James H. Barker
William S. Carnell
Latham & Watkins
1001 Pennsylvania Avenue, NW
Suite 1300
Washington, DC 20004

Stephen Diaz Gavin
Janet Fitzpatrick Moran
Patton Boggs
2550 M. Street, NW
Washington, DC 20037

Michael R. Wack
Charla Rath
NextWave Telecom, Inc.
601 13th Street, NW
Suite 320 North Tower
Washington, DC 20005

Stephen G. Kraskin
Sylvia Lesse
Kraskin, Lesse & Cosson
2120 L Street, NW, Suite 520
Washington, DC 20037

George M. Tronsrue III
Chairman & CEO
Burst Wireless, Inc.
700 5th Avenue, 20th Floor
Seattle, WA 98104

Theresa A. Zeterberg
Cole, Raywid & Braverman
1919 Pennsylvania Avenue, NW
Second Floor
Washington, DC 20006

Kurt A. Wimmer
Russell D. Jessee
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, DC 20004

Kenneth C. Johnson
Caressa D. Bennett
Rural Telecommunications Group
1000 Vermont Avenue, NW, 10th Floor
Washington, DC 20005

Jeremiah P. Byrne
Executive Vice President
ComScape Telecommunications, Inc.
1926 10th Avenue North
Suite 305
West Palm Beach, FL 33461

Radha Krushn
Wireless Solutions
13 Ridgewood Avenue
Suite 108
Lake Hiawatha, NJ 07034

Mark Kroloff
Scott Torrison
Cook Inlet Region, Inc.
2525 C Street, Suite 500
Anchorage, AK 99509

Stephen Pastorkovich
Stuart Polikoff
Rural Telecommunications Companies
21 Dupont Circle, NW, Suite 700
Washington, DC 20036

Vincent D. McBride
2655 30th Street, Suite 203
Santa Monica, CA 90405

L. Marie Guillory
Jill Canfield
National Telephone Cooperative Association
4121 Wilson Boulevard
10th Floor
Arlington, VA 22203

Bruce Fein
Attorney At Law
6515 Sunny Hill Court
McLean, VA 22101

Jeffrey A. Brueggeman
Julia A. Kane
US West Wireless
1020 19th Street, NW, Suite 700
Washington, DC 20036

James G. Harralson
Charles P. Featherstun
David G. Richards
BellSouth Corporation
1155 Peachtree Street, NE, Suite 1800
Atlanta, GA 30309

David G. Frolio
BellSouth Corporation
1133 21st Street, NW
Suite 900
Washington, DC 20036